

ESTTA Tracking number: **ESTTA472506**

Filing date: **05/15/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	C.S.I. Enterprises, Inc.
Granted to Date of previous extension	05/16/2012
Address	3301 Bonita Beach Rd.Suite 300 Bonita Springs, FL 34134 UNITED STATES
Attorney information	Erica L. Loeffler The Livingston Firm 963 Trail Terrace Dr. Naples, FL 34103 UNITED STATES tlf@thelivingstonfirm.com, ell@thelivingstonfirm.com Phone:239-262-8502

Applicant Information

Application No	85377073	Publication date	01/17/2012
Opposition Filing Date	05/15/2012	Opposition Period Ends	05/16/2012
Applicant	FleetCor Luxembourg Holding2 S.Ã . r.l. 5, rue Guillaume Kroll Luxembourg, L-1882 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 042. All goods and services in the class are opposed, namely: Application service provider (ASP) featuring software for use in managing and processing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services
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Applicant Information

Application No	85377061	Publication date	01/17/2012
Opposition Filing Date	05/15/2012	Opposition Period Ends	
Applicant	FleetCor Luxembourg Holding2 S.Ã .r.l. 5, rue Guillaume Kroll Luxembourg, L-1882 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 036.

All goods and services in the class are opposed, namely: PROVIDING PAYMENT SERVICES FOR PURCHASING MOTOR FUELS, PETROLEUM PRODUCTS AND OTHER VEHICLE RELATED GOODS AND SERVICES

Applicant Information

Application No	85377088	Publication date	01/17/2012
Opposition Filing Date	05/15/2012	Opposition Period Ends	
Applicant	FleetCor Luxembourg Holding2 S.Ã .r.l. 5, rue Guillaume Kroll Luxembourg, L-1882 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 036.

All goods and services in the class are opposed, namely: PROVIDING PAYMENT SERVICES FOR PURCHASING MOTOR FUELS, PETROLEUM PRODUCTS AND OTHER VEHICLE RELATED GOODS AND SERVICES

Applicant Information

Application No	85377094	Publication date	01/17/2012
Opposition Filing Date	05/15/2012	Opposition Period Ends	
Applicant	FleetCor Luxembourg Holding2 S.Ã .r.l. 5, rue Guillaume Kroll Luxembourg, L-1882 LUXEMBOURG		

Goods/Services Affected by Opposition

Class 042.

All goods and services in the class are opposed, namely: Application service provider (ASP) featuring software for use in managing and processing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4103342	Application Date	06/13/2011
Registration Date	02/21/2012	Foreign Priority Date	NONE
Word Mark	GLOBAL-FLEET		

Design Mark	<h1>Global-Fleet</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 providing fuel management services in the field of aviation, commercial trucking, and commercial vehicles Class 036. First use: First Use: 2001/09/00 First Use In Commerce: 2001/09/00 credit card services

U.S. Registration No.	4135491	Application Date	09/13/2011
Registration Date	05/01/2012	Foreign Priority Date	NONE
Word Mark	CSI GLOBAL-FLEET		
Design Mark	<h1>CSI Global-Fleet</h1>		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2011/08/08 First Use In Commerce: 2011/08/08 providing fuel management services in the field of aviation, commercial trucking, and commercial vehicles Class 036. First use: First Use: 2011/08/08 First Use In Commerce: 2011/08/08 credit card services		

Attachments	85344259#TMSN.jpeg (1 page)(bytes) 85421012#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (5 pages)(19590 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address

record by First Class Mail on this date.

Signature	/Erica L. Loeffler/
Name	Erica L. Loeffler
Date	05/15/2012

In the Matter of:	Trademark Application Serial Nos.: 85/377073; 85/377061; 85377088; 85/377094
For the Marks:	GLOBAL FLEETNET; GLOBAL FLEETNET; GLOBAL FLEETNET; GLOBAL FLEETNET
Published in the Official Gazette:	January 17, 2012

Applicant.

1. Applicant, FLEETCOR LUXEMBOURG HOLDING2 S.a. r.l. (“Applicant”) filed its servicemark applications assigned Application Serial Nos. 85/377073; 85/377061; 85/377088; and 85/377094 (“the Applications”) in the United States Patent and Trademark Office (“USPTO”) on July 21, 2011 to register the following marks:

Serial No. 85/377073 – “GLOBAL FLEETNET” for use in connection with “application service provider (ASP) featuring software for use in managing and processing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services” in International Class 42;

Serial No. 85/377061 – “GLOBAL FLEETNET” for use in connection with “providing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services” in International Class 36;

Serial No. 85/377088 – “GLOBAL FLEETNET and design” for use in connection with “providing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services” in International Class 36; and

Serial No. 85/377094 – “GLOBAL FLEETNET and design” for use in connection with “application services provider (ASP) featuring software for use in managing and processing payment services for purchasing motor fuels; petroleum products and other vehicle related goods and services” in International Class 42.

2. The Applications filed by Applicant on July 21, 2011 were based on intent to use.

3. The Applications for the Marks filed by Applicant were published in the Official Gazette on January 17, 2012. Opposer timely filed and was granted Extensions of Time to Oppose through May 16, 2012. Opposer has timely filed this Notice of Opposition.

4. Opposer, C.S.I. Enterprises, Inc. is the owner of U.S. Registration No. 4,103,342 for “GLOBAL-FLEET” for “providing fuel management services in the field of aviation, commercial trucking, and commercial vehicles” in International Class 35; and “credit card services” in International Class 36. Opposer has been using its mark in connection with these services since at least as early as September of 2001 and is currently using its mark in commerce with these services.

5. Opposer, C.S.I. Enterprises, Inc. is also the owner of U.S. Registration No. 4,135,491 for “CSI GLOBAL-FLEET” for “providing fuel management services in the field of aviation, commercial trucking, and commercial vehicles” in International Class

35; and “credit card services” in International Class 36. Opposer has been using its mark in connection with these services since at least as early as August 8, 2011 and is currently using its mark in commerce with these services.

6. Applicant’s Marks “GLOBAL FLEETNET;” “GLOBAL FLEETNET;” “GLOBAL FLEETNET and design;” and “GLOBAL FLEETNET and design” (hereinafter “GLOBAL FLEETNET Marks”) are virtually identical to Opposer’s Marks “GLOBAL-FLEET” and “CSI GLOBAL-FLEET”. Applicant’s registration and use of the GLOBAL FLEETNET Marks would create confusion, mistake, and deception in the minds of prospective purchasers as to the origin and source of the Opposer’s services associated with its GLOBAL-FLEET and CSI GLOBAL-FLEET Marks.

7. Applicant’s services, *i.e.*, “application service provider (ASP) featuring software for use in managing and processing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services” and “providing payment services for purchasing motor fuels, petroleum products and other vehicle related goods and services” are virtually identical to Opposer’s services, *i.e.*, “providing fuel management services in the field of aviation, commercial trucking, and commercial vehicles” and “credit card services.” The law is well settled that consumers are likely to be confused by the use of a similar mark on or in connection with goods and with services featuring or related to those goods. Therefore, there is a likelihood of confusion between Opposer’s uses of its Marks in connection with its services with Applicant’s use of its Marks in connection with its services.

8. The Opposer’s services are offered throughout the United States and are also advertised and sold on-line at Opposer’s website.

9. The Opposer’s services and the Applicant’s services travel in the same channels of trade and are viewed by the same customers, namely, those who purchase managing and processing payment services for purchasing motor fuels, petroleum products and other vehicle related goods. Applicant’s services are therefore substantially similar to Opposer’s services with which the Opposer’s Marks are used.

10. Opposer has incurred significant expenses in the advertising of its services bearing the GLOBAL-FLEET and CSI GLOBAL-FLEET Marks and as a result has

developed valuable goodwill in the GLOBAL-FLEET and CSI GLOBAL-FLEET Marks and the services associated therewith.

11. Purchasers familiar with the Opposer's services are likely to mistakenly believe that the Applicant's services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer because the GLOBAL FLEETNET Marks sought to be registered by the Applicant are virtually identical to the Opposer's GLOBAL-FLEET and CSI GLOBAL-FLEET Marks, thereby resulting in Opposer's irreparable damage and injury.

12. Opposer will be injured if registrations are granted to the Applicant because Applicant's GLOBAL FLEETNET Marks falsely suggest a connection with Opposer's services bearing the GLOBAL-FLEET and CSI GLOBAL-FLEET Marks. Opposer has no control over the nature and quality of the goods and services offered by Applicant under Applicant's GLOBAL FLEETNET Marks, and thus, will be damaged and irreparably harmed by reason of the loss of control over its reputation and the erosion of its goodwill in the GLOBAL-FLEET and CSI GLOBAL-FLEET Marks.

13. For the foregoing reasons, the registrations sought by Applicant are contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.

WHEREFORE, Opposer respectfully requests that registration of the marks shown in Applications Serial Nos. 85/377073; 85/377061; 85/377088; and 85/377094 be refused and that this Opposition be sustained in favor of Opposer.

Dated: May 15, 2012

Respectfully submitted,

By: /s/ Edward M. Livingston

Edward M. Livingston, Esq.
Florida Bar No. 251879
Reg. Patent Atty. No. 28,523
eml@thelivingstonfirm.com

Erica L. Loeffler, Esq.

Florida Bar No. 852201
ell@thelivingstonfirm.com

THE LIVINGSTON FIRM
963 Trail Terrace Drive
Naples, FL 34103
(239) 262-8502
(239) 261-3773 (fax)

Attorneys for Opposer

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was served on the Applicant FleetCor Luxembourg Holding2 S.a. r.l., 5 rue Guillaume Kroll, Luxembourg L-1882, LUXEMBOURG and the Attorney of Record, Eric Pellenbarg PHELPS DUNBAR, LLC, 100 S. Ashley Dr., Ste. 1900, Tampa, FL 33602-5315 via U.S. Mail on this 15th day of May 2012.